



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of R.W.M., Police
Officer (S9999U), Newark

CSC Docket No. 2018-3509

Medical Review Panel Appeal

ISSUED: May 16, 2019 (BS)

R.W.M. appeals his rejection as a Police Officer candidate by the Newark Police Department and its request to remove his name from the eligible list for Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on February 22, 2019, which rendered its report and recommendation on February 28, 2019. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. Drs. Alex Rodrigues and Nicole J. Rafanello, evaluators on behalf of the appointing authority, conducted a psychological evaluation and characterized the appellant as guarded and a poor historian. Several inconsistencies were noted. Additionally, the appellant's attempts at humor and dismissal of these inconsistencies was poorly offered and added further to the inconsistencies. Drs. Rodrigues and Rafanello concluded that the appellant presented with some serious integrity issues and he was not recommended for appointment.

Dr. Dianna R. Boschulte, evaluator on behalf of the appellant, conducted a psychological evaluation and characterized the appellant as not currently meeting the criteria for any mental health disorder. Dr. Boschulte indicated that the appellant had a childhood history of ADHD and that he had experienced an adjustment disorder with depressed mood at various times throughout his life in reaction to life stress or significant transition, but his mood improves as he adjusts

and establishes healthy coping skills. Dr. Boschulte concluded that the appellant was psychologically fit to perform the duties of a Police Officer.

The Panel concluded that the negative recommendation found support in the appellant's evasiveness, guarded presentation, and the fact that he was a poor historian. The appellant's responses before the Panel were inconsistent with the record available to the Panel. The Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant admits that he has a "bad memory" and tends not to remember things that he deems not to be important, like why he did not file taxes three years in a row or the fact his driver's license had been suspended. The appellant argues that he is hard working and that he takes care of his family. The appellant asserts that he would excel at being a Police Officer.

CONCLUSION

The Job Specification for the title, Police Officer, is the official job description for such municipal positions within the civil service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological

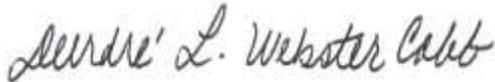
traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission agrees with the Panel's concerns about the appellant's integrity issues and is alarmed by the appellant's nonchalant dismissal of not deemed important failure to file his taxes for three years or having his driver's license suspended. The Commission was not persuaded by the exceptions filed by the appellant. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that R.W.M. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 9TH DAY OF MAY, 2019



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